

Last revised: August 1, 2017

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Kimberly Burnett-Thomas

Case No.: 17-15501
Judge: JNP

Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☒ Modified/Notice Required Date: October 26, 2017
☒ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: /s/ SW

Initial Debtor: /s/ KBT

Initial Co-Debtor: _____

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 540.00 per month to the Chapter 13 Trustee, starting on November 1, 2017 for approximately 53 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 2,960.00 +300 Fee App.
DOMESTIC SUPPORT OBLIGATION	n/a	n/a
IRS	taxes	\$6,236.39
State of New Jersey	taxes	\$728.88

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
State of New Jersey	Goods	\$5,154.87	\$0.00	None	\$0.00	0%	\$0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
SLS Mortgage (1st mortgage)	105 Lafayette Drive Mullica Hill, NJ	\$381,600.00	\$0.00
SLS Mortgage (2nd mortgage)	105 Lafayette Drive Mullica Hill, NJ	\$381,600.00	\$0.00
LVNV Funding (HELOC)	105 Lafayette Drive Mullica Hill, NJ	\$381,600.00	\$0.00
Shivers, Gosnay, & Greatrez, LLC Re: Reserve at Saddlebrook HOA	105 Lafayette Drive Mullica Hill, NJ	\$3,113.00	\$0.00

f. Secured Claims Unaffected by the Plan ☒ NONE

The following secured claims are unaffected by the Plan:

g. Secured Claims to be Paid in Full Through the Plan: <input checked="" type="checkbox"/> NONE		
Creditor	Collateral	Total Amount to be Paid Through the Plan
IRS	Secured Tax Lien	\$6,321.00
Wells Fargo Dealer Services	2013 Volkswagon Passet	\$15,195.47

Part 5: Unsecured Claims ☒ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☒ Not less than \$ 0.00 to be distributed *pro rata*
☐ Not less than _____ percent
☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☐ **NONE**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☐ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
State of New Jersey	Goods	\$5,154.87	\$0.00	none	\$0.00	\$0.00

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Priority Claims
- 3) Secured Claims
- 4) Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: October 26, 2017.

Explain below why the plan is being modified:

To list the debt held with SLS for the 1st and 2nd mortgage as surrendered under 4(E). To list the debt held with LVNV as surrendered under 4(E). To correct the amount owed to the IRS per priority the POC. To list the correct amount of money owed to the State of NJ per priority the POC. To list the debt held with Shivers, Gosnay, & Greatrex, LLC as surrendered under 4(E). To correct the amount owed to Wells Fargo under 4(G). To change the length of the Plan from 36 to 60 months. To

Explain below how the plan is being modified:

To list the debt held with SLS for the 1st and 2nd mortgage as surrendered under 4(E). To list the debt held with LVNV as surrendered under 4(E). To correct the amount owed to the IRS per the POC. To list the correct amount of money owed to the State of NJ per the POC. To list the debt held with Shivers, Gosney, & Gretrex, LLC as surrendered under 4(E). To correct the amount owed to Wells Fargo under 4(G). To change the length of the Plan from 36 to 60 months. To list the non

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date: October 26, 2017

/s/ Seymour Wasserstrum
Attorney for the Debtor

Date: October 26, 2017

/s/ Kimberly Burnett-Thomas
Debtor

Date: _____

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date: October 26, 2017

/s/ Seymour Wasserstrum
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: October 26, 2017

/s/ Kimberly Burnett-Thomas
Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 11 of 12

United States Bankruptcy Court
District of New JerseyIn re:
Kimberly L Burnett-Thomas
DebtorCase No. 17-15501-JNP
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 33

Date Rcvd: Nov 02, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 04, 2017.

db +Kimberly L Burnett-Thomas, 105 Lafayette Dr, Mullica Hill, NJ 08062-4542
 cr +Reserves at Saddlebrook HOA, 101 Lafayette Drive, Mullica Hill, NJ 08062-4542
 516713775 +Buckley & Madole, 99 Wood Avenue South Ste 803, Iselin, NJ 08830-2713
 516713777 +CBA Collection Bureau, 25954 Eden Landing Rd, RE: DS Waters Of North America,
 Hayward, CA 94545-3816
 516713778 +Central Credit Services Inc, P O Box 15118, Jacksonville, FL 32239-5118
 516879598 +FV-1, Inc., Trustee (See 410), C/O Specialized Loan Servicing LLC,
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
 516713779 +Gloucester County Tax Office, 1200 N Delsea Dr, Clayton, NJ 08312-1096
 516713783 IRS, PO Box 725, Special Procedures Function, Springfield, NJ 7081
 516713781 Inspira Health, P.O. Box 48274, Newark, NJ 07101-8474
 516713787 +Mercer County Clerk, 209 S. Broad St. Room 100, Trenton, NJ 08608-2403
 516713788 +NJ EZ Pass Violation Processing Center, PO Box 52005, Newark, NJ 07101-8205
 516763277 +New Jersey Turnpike Authority, Mark Schneider, Esq., 581 Main Street, P. O. Box 5042,
 Woodbridge, NJ 07095-5042
 516713789 Office Of Attorney General, 25 Market Street, PO Box 112, Richard J Hughes Justice Complex,
 Trenton, NJ 08625-0112
 516713792 SLS Mortgage, P.O. Box 636005, Littleton, CA 80163-6005
 516713795 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State Of New Jersey, P.O. Box 245,
 Dept Of Treasury-Division Of Taxation, Trenton, NJ 08695-0245)
 516713791 +Shivers, Gosnay, & Greatrex Llc, 1415 Rt 70, C/O Reserve at Saddlebrook HOA,
 Cherry Hill, NJ 08034-2210
 516713794 South Jersey Hospital, Po Box 48274, Newark, NJ 07101-8474
 516713797 State of New Jersey, Dept of Law and Public Safety, Trenton, NJ 08625
 516727056 +The Reserve at Saddlebrook HOA, c/o George C. Greatrex, Jr., Esquire,
 Shivers, Gosnay & Greatrex, LLC, 1415 Route 70 East, Suite 309, Cherry Hill, NJ 08034-2210
 516793352 +U.S. Bank National Association, Trustee (See 410), c/o Specialized Loan Servicing LLC,
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
 516713798 +Wells Fargo, PO Box 1697, Winterville, NC 28590-1697
 516775704 Wells Fargo Bank N.A., d/b/a Wells Fargo Dealer Se, P.O. BOX 19657, IRVINE, CA 92623-9657
 516947601 +Westlake Services, LLC dba Westlake Financial Serv, 4751 Wilshire Blvd, Suite 100,
 Los Angeles, CA 90010-3847

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
smg E-mail/Text: usanj.njbankr@usdoj.gov Nov 02 2017 22:42:03 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Nov 02 2017 22:42:02 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235516780800 +E-mail/PDF: creditonebknofications@resurgent.com Nov 02 2017 22:35:02 Credit One Bank,
PO Box 98873, Las Vegas, NV 89193-8873516713780 E-mail/Text: leslie_lawrence@glic.com Nov 02 2017 22:42:26 Guardian, Po Box 2459,
Spokane, WA 99210-2459516713784 +E-mail/Text: cio.bncmail@irs.gov Nov 02 2017 22:41:35 IRS, 1601 Market St,
Philadelphia, PA 19103-2301516713786 +E-mail/PDF: resurgentbknofications@resurgent.com Nov 02 2017 22:44:57 LVNV Funding,
Po Box 740281, Houston, TX 77274-0281516816808 E-mail/PDF: resurgentbknofications@resurgent.com Nov 02 2017 22:35:02
LVNV Funding LLC, C/O Resurgent Capital Services, P.O. Box 10675,
Greenville, SC 29603-0675516922121 E-mail/PDF: resurgentbknofications@resurgent.com Nov 02 2017 22:44:46
LVNV Funding, LLC its successors and assigns as, assignee of FNBK, LLC,
Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587516713790 +E-mail/Text: bkrpt@retrievalmasters.com Nov 02 2017 22:42:01
Retrieval Masters Creditors Bureau Inc, 4 Westchester Plaza Suite 110, Re: E-Z Pass,
Elmsford, NY 10523-1615516713799 E-mail/Text: bankruptcynotice@westlakefinancial.com Nov 02 2017 22:42:03
Westlake Financial Services, PO Box 54807, Los Angeles, CA 90054-0807

TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516713776* +Buckley & Madole, 99 Wood Avenue South Ste 803, Iselin, NJ 08830-2713

516713782* IRS, PO Box 744, Springfield, NJ 07081-0744

516731798* Internal Revenue Service, PO Box 7317, Philadelphia PA 19101-7317

516731797* Internal Revenue Service, PO Box 7346, Philadelphia PA 191017346

516713785* +Irs, P.O. Box 7346, Philadelphia, PA 19101-7346

516713793* SLS Mortgage, P.O. Box 636005, Littleton, CA 80163-6005

516713796* ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245(address filed with court: State Of New Jersey, Po Box 283, Offset Program,
Trenton, NJ 08695-0283)

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 33

Date Rcvd: Nov 02, 2017

***** BYPASSED RECIPIENTS (continued) *****
516742886* ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
(address filed with court: State of New Jersey, Division of Taxation, Bankruptcy Section,
PO Box 245, Trenton, NJ 08695-0245)
TOTALS: 0, * 8, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 04, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 26, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Wilmington Trust, National Association, as Successor
Trustee to Citibank, N.A., as Trustee for Bear Stearns Asset Backed Securities Trust 2007-2,
Asset Backed Certificates, Series 2007-2 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Denise E. Carlon on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE
HOLDERS OF CSAB 2007-1 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Erin Darden on behalf of Creditor United States of America erin.darden@usdoj.gov
George C. Greatrex, Jr. on behalf of Creditor Reserves at Saddlebrook HOA
ggreatrex@sgglawfirm.com, kmuchler@verizon.net
Isabel C. Balboa ecfmil@standingtrustee.com, summarymail@standingtrustee.com
Seymour Wasserstrum on behalf of Debtor Kimberly L Burnett-Thomas mylawyer7@aol.com,
ecf@seymourlaw.net
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7